

No: Y19-142PD

Title: Foreign Ownership, Control or Influence and Contract Registration Program

Date: 05/10/2001

This Program Description applies to all BWXT Y-12, L.L.C. organizations who request and/or process requests for goods or services from sources which are external to BWXT Y-12...

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**REVISION LOG**  
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Revision Date	Description of Change	Pages Affected
05/10/2001	DM/R 01-SSO-023 Non-Intent change to incorporate Organizational name changes from the BWXT Y-12 LLC Procedure Blue Sheet Blue Sheet changes incorporated.	All
11/01/2000	Program Description adopted for use with noted changes by BWXT Y-12 Blue Sheet.	All
06/01/2000	DM/R 99-PS0-106  This Program Description supersedes PS-142PD. This Program Description has been reduced from 35 pages to 11 pages to remove specific instructions and to reflect the new requirements.  A separate Instruction, Y19-143INS has been developed to add new steps to implement the new DOE requirements.	All

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## I. SCOPE

This Program Description applies to all BWXT Y-12, L.L.C. organizations who request and/or process requests for goods or services from sources which are external to BWXT Y-12 where non-BWXT Y-12 personnel representing those external sources, will require either (1) access to classified information or material, (2) unescorted access to site/plant designated security areas, or (3) access to significant quantities of special nuclear material (SNM).

Procurement requests, subcontracts, or other purchase of goods and services that involve a one-person operation (sole proprietorships, technical experts, or individual consultants, unless they are incorporated)) are not subject to FOCI requirements and therefore, do not fall under the scope of this Program Description.

The following are representative of the scope of this Program Description:

- Cooperative Research and Development Agreements
- Construction Subcontracts
- General Counsel Letters of Retention of Counsel
- Support Services Subcontracts
- Technical Support Subcontracts
- Transportation Tenders
- Work for Others Program

Any documentation generated from the activities of this Program Description must be reviewed for classification or other protected information prior to dissemination. Any matter determined to be classified or containing other protected information must meet the requirements contained in the *Manual for the Protection and Control of Classified Matter and Other Protected Information* (Y19-203INS).

Any deviation to the requirements outlined in this Program Description must be submitted in writing to the Safeguards & Security and Counterintelligence Manager, who must approve the deviation.

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## II. STRATEGY

To effectively and efficiently implement the BWXT Y-12 Foreign Ownership, Control or Influence (FOCI) and Contract Registration program, a team effort must be employed. The BWXT Y-12 FOCI and Contract Registration program will impact all BWXT Y-12 organizations that obtain, through any mechanism, goods and services from sources which are external to BWXT Y-12. *Therefore, all parties must actively participate to ensure the success of the FOCI and Contract Registration program.*

This Program Description has identified responsible parties and the manner in which FOCI requirements are implemented through the various requesting organizations and mechanisms for obtaining goods and services which exist within BWXT Y-12. There may be other mechanisms not specifically identified in this Program Description.

BWXT Y-12 organizations (not specifically identified in this Program Description), which originate requests for goods or services, must contact the BWXT Y-12 FOCI Coordinator to establish an appropriate mechanism/protocol to ensure their requests are reviewed for applicability to FOCI requirements prior to action to obtain the required goods or services.

Coordination with the BWXT Y-12 FOCI Coordinator shall occur as early as possible in the requisition cycle. This will alleviate unnecessary delays in the delivery of goods and services which may be critical to the continuity of operations within BWXT Y-12.

Instructions are established within BWXT Y-12 to prevent the submission of requests for access authorizations to DOE for non-BWXT Y-12 personnel without first verifying the existence of or obtaining a favorable DOE FOCI determination.

## III. REQUIREMENTS

- DOE Order 470.1, Attachment 1, Contractor Requirements Document
- DOE Order 470.1, Chapter V, *Facility Clearances and Registration of Safeguards and Security Activities*
- DOE Order 470.1, Chapter VI, *Foreign Ownership, Control or Influence Program*
- Acquisition Letter, No. AL 99-03 can be accessed at the following URL: <http://www.pr.doe.gov/99-03.htm>
- 10 CFR Part 710, *Criteria and Program Descriptions for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material*

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### **III. REQUIREMENTS (cont.)**

- DOE Order 472.1B, *Personnel Security Activities*
- Y19-203INS, *Manual for the Protection and Control of Classified Matter and Other Protected Information*
- DOE M 471.2-1B, *Classified Matter Protection and Control Manual, dated 1/6/99*
- DOE Order 5632.1C, *Protection and Control of Safeguards and Security Interests*

**NOTE:** *All contract vehicles that require personnel clearances require the security clauses listed below:*

- Department of Energy Acquisition Regulation (DEAR), DEAR 952.204-2 *Security Requirements*, DEAR 952.204-70 *Classification*, DEAR 952.204-73, *Facility Clearance* and DEAR 952.204-74, *FOCI Over Contractor*

### **IV. IMPLEMENTING ELEMENTS**

- Y19-143INS, *Foreign Ownership, Control or Influence/Contract Registration*.
- DOE Safeguards and Security Information Management System (SSIMS)

### **V. INTERFACES/ROLES AND RESPONSIBILITIES**

#### **Safeguards and Security and Counterintelligence Manager**

- Ensures all appropriate Protective Services personnel are knowledgeable of, and comply with the requirements of the DOE FOCI/Contract Registration Program.
- Assigns a manager within Safeguards & Security and Counterintelligence to provide security-related FOCI support and liaison between BWXT Y-12 organizations and DOE-ORO.
- Provides physical security personnel to assist BWXT Y-12 organizations in the development, review and approval of security plans which may be required to support the BWXT Y-12 FOCI/Contract Registration Program.

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## **V. INTERFACES/ROLES AND RESPONSIBILITIES (cont.)**

### **Safeguards & Security and Counterintelligence Manager**

- Reviews and approves requested deviations from requirements, actions, or activities outlined in this Program Description or applicable DOE directives regarding the BWXT Y-12 FOCI/Contract Registration Program.

### **Manager, Security Operations**

- Ensures that PSO does not submit requests for access authorizations to DOE for any FOCI-applicable subcontract or agreement prior to the receipt of a positive FOCI determination from DOE.
- Appoints an individual to serve as the BWXT Y-12 FOCI/CSCS Coordinator.
- Determines an appropriate level of training/education to properly prepare and sustain the FOCI coordinator in the processing of security-related FOCI information.

### **WSI-OR Lead, Access Authorization Team**

- Ensures the Personnel Clearance Branch does not submit requests for access authorizations for non-BWXT Y-12 personnel to DOE-ORO prior to determining the existence of a positive FOCI determination.

### **BWXT Y-12 FOCI/CSCS Coordinator**

- Interfaces with BWXT Y-12 organizations and the DOE-ORO Safeguards and Security Division, as appropriate, on security-related FOCI matters and Contract Registrations.
- Attends FOCI-related training/educational opportunities as deemed appropriate by Protective Services Management.
- Assists Buyers and other designated POCs in determining if potential contracts/agreements are subject to FOCI requirements, when requested.
- Verifies FOCI/Contract information by utilizing the DOE Safeguards and Security Information Management System (SSIMS) and corresponds with the appropriate organizations.



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## **V. INTERFACES/ROLES AND RESPONSIBILITIES (cont.)**

### **BWXT Y-12 FOCI/CSCS Coordinator (cont.)**

- Develops and maintains a system to track favorable FOCI determinations for BWXT Y-12 subcontractors.
- Develops and maintains a system to track DOE SF 5634.2, Contract Security Classification Specification (CSCS) forms.
- Communicates the status of FOCI determinations, any changes in the status of FOCI applicable subcontracts and the completion or termination dates of FOCI applicable subcontracts to appropriate WSI-OR Personnel Clearance Processing Group in a timely manner.
- Ensures this Program Description is revised when applicable and remains current.

### **Physical Protection Department**

- Provides support to BWXT Y-12 organizations and/or subcontractors in the development, review and approval of Security Plans and Project Security Plans when requested.

### **Security Plans Group (Senior Security Specialist)**

- Assists in the preparation of requests for FOCI determinations and clearances for Off-site facilities (Possessing)
- Security liaison between the off-site facility's management and BWXT Y-12
- Ensures that all Possessing contract vehicles are registered with DOE
- Terminates the security interest at conclusion of classified or other activities

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## **V. INTERFACES/ROLES AND RESPONSIBILITIES (cont.)**

### **Manager, Procurement and Contracts**

- Implements FOCI-related procurement practices which support the BWXT Y-12 FOCI/Contract Registration Program.
- Ensures appropriate Procurement personnel are knowledgeable of FOCI requirements and comply with established FOCI-related procurement practices.
- Includes all security clauses in FOCI applicable subcontracts.
- Ensures as a standard practice that Procurement does not award any FOCI-applicable subcontract unless a favorable FOCI determination from DOE exists.

### **Buyer**

- If it appears, based on requisition information that the transaction will require access to classified information or material, unescorted access to site/plant designated security areas, or access to significant quantities of special nuclear material (SNM), request a determination of FOCI applicability from the BWXT Y-12 FOCI/CSCS Coordinator.
- If the BWXT Y-12 FOCI/CSCS Coordinator determines that FOCI applies, comply with established FOCI-related procurement practices.

### **Work for Others (WFO) POC**

- Serves as the Principal POC for all FOCI matters involving classified WFO Projects where a non-BWXT Y-12 subcontractor(s) will be involved in classified WFO projects that meet the FOCI requirements.
- Consults with the BWXT Y-12 FOCI Coordinator when classified WFO projects are subject to FOCI requirements.
- Ensures all necessary FOCI documentation is processed and submitted as required.
- Ensures that all FOCI applicable WFO Projects are registered with DOE.

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## **V. INTERFACES/ROLES AND RESPONSIBILITIES (cont.)**

### **Manager, Office of Technology Management**

- Serves as the principal POC for all FOCI matters involving Cooperative Research and Development Agreements (CRADAs) which meet FOCI requirements.
- Notifies the BWXT Y-12 FOCI/CSCS Coordinator of all FOCI applicable CRADAs and any changes that may occur regarding FOCI or facility changes.
- Ensures that all FOCI applicable CRADAs are registered with DOE.

### **Office of General Counsel**

- Serves as the principal POC for all FOCI matters involving Letters of Retention of Counsel (LOROCs) which meet FOCI requirement.
- Notifies the BWXT Y-12 FOCI/CSCS Coordinator of all FOCI applicable LOROCs and any changes that may occur regarding FOCI.
- Includes all security clauses in FOCI applicable LOROC's.
- Ensures that all FOCI applicable LOROCs are registered with DOE.

### **Traffic and Operations Manager, Transportation**

- Serves as the principal POC for all FOCI matters involving transportation tenders which meet FOCI requirements.
- Notifies the BWXT Y-12 FOCI/CSCS Coordinator of all FOCI applicable Transportation Tenders and any changes that may occur regarding FOCI.
- Ensures that all FOCI applicable Transportation Tenders are registered with DOE.

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## **V. INTERFACES/ROLES AND RESPONSIBILITIES (cont.)**

### **Procurement Request Originator**

- Specifies in requisitions submitted to Procurement when access to classified information or material, unescorted access to site/plant designated security areas, or access to significant quantities of special nuclear material (SNM) are necessary in order to provide the required goods or services.
- When requested goods or services involve access to classified information or material, unescorted access to site/plant designated areas, or access to significant quantities of SNM, ensure that the DOE F 5634.2 is completed to register security interests for new requests, modifications to such requests, and when the need for the security interest is complete.

## **VI. SUMMARY**

The Foreign Ownership Control or Influence and Contract Registration Program is designed to obtain information that indicates whether offerors/bidders or contractors/subcontractors are owned, controlled, or influenced by foreign individuals, governments, or organizations, and whether that foreign involvement may pose an undue risk to the common defense and security. Therefore, The BWXT Y-12 FOCI/Contract Registration Program will impact all BWXT Y-12 organizations that subcontract, through any mechanism to procure goods and services from sources which are external to BWXT Y-12.

**NOTE:** ALL PARTIES MENTIONED IN THIS PROGRAM DESCRIPTION MUST ACTIVELY PARTICIPATE TO ENSURE THE SUCCESS OF THE BWXT Y-12 FOCI/CONTRACT REGISTRATION PROGRAM.